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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,469	12/14/2000	Bill Terpselas	JJ-11 050CA	6298

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CANADA

EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,469

Applicant(s)

TERPSELAS, BILL

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by DE Patent No. 3821564 A1 to Sadler.

Sadler discloses a protective covering that includes all the limitations recited in claims 2 and 3. Sadler shows a covering having a front (Fig. 2), a back (Fig. 2), an opening (Fig. 2) to permit a tongue of a seat belt 5 (Fig. 2) to pass through, and a release securing means 13 (Fig. 2) to permit the front and the back to be releasably secured to one another wherein the front and back being joined along two sides and the release securing means is a hook and loop closure and provided on an open third side to receive the seat belt permitting adjustment of the spacing between shoulder and lap belts.

3. Claims 2-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,335,957 to Golder.

Golder discloses a protective covering that includes all the limitations recited in claims 2-4. Golder shows a covering having a front (Fig. 12), a back (Fig. 12), an opening 235 (Fig. 12) to permit a tongue of a seat belt S (Fig. 12) to

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pass through, and a release securing means 280 (Fig. 12) to permit the front and the back to be releasably secured to one another wherein the front and back being joined along two sides and the release securing means are dome fasteners and provided on an open third side to receive the seat belt permitting adjustment of the spacing between shoulder and lap belts.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golder in view of U.S. Patent No. 4,961,251 to Smith.

Golder discloses a protective covering that is basically the same as that recited in claims 6-8 except that the opening for the seat belt tongue lacks a retaining means and an elastic mesh cover for the latch release button, as recited in the claims. Smith shows a protective covering similar to that of Golder wherein the opening for the tongue has an elastic ring retaining means 72 (Fig. 4) with a mesh cover 50 (Fig. 4) over the latch release button. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the protective covering of Golder such that the opening for the tongue has a dome fastener or elastic ring retaining means with a elastic

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mesh cover over the latch release button, such as the protective cover disclosed in Smith. One would have been motivated to make such a modification in view of the suggestion in Smith that the tongue cover prevents the unintentional unlatching of the seat belt release button.

Response to Arguments

6. Applicant's arguments filed 09 April 2004 have been fully considered but they are not persuasive. Applicant argues that both Sadler and Golder fail to disclose a releasable securing means that allow for adjustment of the spacing between the shoulder and lap belts. However, both references teach a protective covering permitting the adjustment of the spacing between the shoulder and lap belts at the third side. When the releasable securing means is secured in place (see Figure 2 of Sadler and Figure 12 of Golder), the shoulder and laps belts are adjusted to accommodate children sized users. When the releasable securing means is not secured in place, the shoulder and lap belts accommodate adult sized users. Therefore, both references teach a releasable securing means permitting adjustment of the spacing between the shoulder and lap belts at the third side to accommodate different sized users. The rejection under 35 USC 103(a) drawn toward claims 6-8 was argued solely on the premise that the cited art does not teach or suggest the protective covering recited in amended claim 2, and as a result the above 35 USC 103(a) rejection of claims 6-8 remain.

Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 2-4 and 6-8.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE

July 11, 2004


PETER R. BROWN
PRIMARY EXAMINER